



GENERAL ASSEMBLY COMMONWEALTH OF KENTUCKY

2011 REGULAR SESSION

SENATE BILL NO. 103

WEDNESDAY, FEBRUARY 16, 2011

The following bill was reported to the House from the Senate and ordered to be printed.

RECEIVED AND FILED
DATE March 16, 2011
4:54 p.m.

ELAINE N. WALKER
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY L. Kinsolving

1 AN ACT relating to TVA and Breaks Interstate Park peace officers.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔ Section 1. KRS 61.886 is amended to read as follows:

4 (1) As used in KRS 61.886 to 61.892:

5 (a) "Commission" means the Breaks Interstate Park Commission created in
6 KRS 148.220; and

7 (b) "TVA" means the Tennessee Valley Authority.

8 (2) The Tennessee Valley Authority or the Breaks Interstate Park Commission
9 ~~hereinafter called "TVA,"~~ may apply to the Governor for the appointment and
10 commissioning of peace officers~~and TVA policemen~~. Such persons shall be
11 selected from a list submitted by TVA or the commission to the Governor. The
12 Governor, upon such application being made and upon the payment to him or her
13 of a one (1) time fee of five dollars (\$5) for each officer to be appointed, shall
14 appoint, for annually renewable terms of one (1) year, such persons or as many
15 thereof as he or she deems proper to be such peace officers~~and policemen~~ and
16 shall give commissions to those appointed. Appointments and annual renewals of
17 appointments under this subsection shall be subject to approval by the sheriff of
18 each county in which the peace officer will normally operate, not including counties
19 into which he or she may pursue and arrest persons under KRS 61.887.

20 ~~(3)~~~~(2)~~ Such commissions shall be recorded in the office of Secretary of State~~the~~
21 ~~county court clerk of the several counties in which such officer performs any duties~~
22 ~~as a TVA peace officer~~. No person shall be eligible for appointment and
23 commission as a TVA or commission peace officer unless he or she has established
24 to the satisfaction of the Governor that, except for county residency requirements,
25 he or she possesses the qualifications prescribed for nonelective peace officers by
26 KRS 61.300 and, in addition, that he or she is~~has been~~ a resident of Kentucky, or
27 an adjoining state in which TVA or the commission operates, and has been for at

1 least two (2) years at the time of his or her appointment.

2 ➔ Section 2. KRS 61.887 is amended to read as follows:

3 (1) Each TVA or commission officer appointed and commissioned pursuant to KRS
4 61.886 to 61.892 throughout every county in the Commonwealth in which TVA or
5 the commission operates or owns or controls property, including leasehold
6 interests;[.]

7 (a) Shall have and exercise the powers of sheriffs[~~and constables~~] in making
8 arrests for public offenses committed upon, about, or against such property or
9 on public roads and the rights-of-way passing through or over such property;

10 (b) Shall have and exercise the powers of sheriffs in making arrests in any
11 situation in which a person is placed in imminent danger of death or
12 serious injury;

13 (c) Shall have authority to carry weapons for the reasonable purposes of his or
14 her office and in performance of his or her assigned duties;[~~and~~]

15 (d) While in pursuit of a person fleeing[~~from the property~~] after committing an
16 act described in paragraph (a) or (b) of this subsection[~~of violence or~~
17 ~~destruction of the property~~], may pursue the person and make arrest anywhere
18 in the Commonwealth;[~~may serve process in criminal and penal prosecutions~~
19 ~~for such offenses;~~] and

20 (e) Shall be subject to all the liabilities of sheriffs[~~or constables~~]. ~~Such power to~~
21 ~~arrest persons committing public offenses committed upon or about such~~
22 ~~property, roads, or rights of way shall exist whether such persons are found on~~
23 ~~or off such property, roads, or rights of way. Such TVA officers shall also~~
24 ~~have authority to carry weapons for the reasonable purposes of their offices~~
25 ~~and in performance of their assigned duties].~~

26 (2) TVA officers appointed and commissioned pursuant to KRS 61.886 to 61.892
27 may, throughout any county in the Commonwealth in which TVA operates or

owns or controls property, including leasehold interests, have and exercise the powers of sheriff in that county if the sheriff of that county provides prior written authorization to the TVA defining the extent of supplemental authority being granted. Any supplemental authority granted pursuant to this subsection shall expire with the officer's commission granted under Section 1 of this Act and may be renewed, as provided in this subsection, upon renewal of the commission authorized under Section 1 of this Act.

(3) When county-wide authority has not been granted under subsection (2) of this section, a sheriff of a county in which the TVA has property, the chief of police of a city within the county, or the commissioner of the Department of Kentucky State Police may extend peace officer authority within the city or county, as appropriate, during a disaster or other emergency.

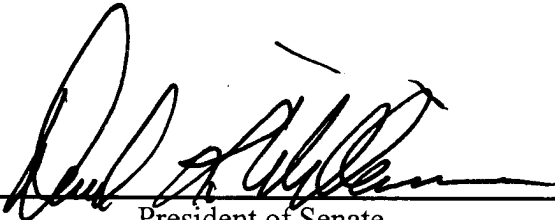
➔Section 3. KRS 61.888 is amended to read as follows:

When TVA or the commission no longer needs the services of a person appointed and commissioned as a TVA or commission peace officer pursuant to this section, notice to that effect, signed by the general manager of TVA, the chairperson of the commission, or~~by~~ the person having responsibility for general supervision of the work of such officer, shall~~may~~ be filed in the office of the Secretary of State~~several offices in which the commission of such officer is recorded~~. The Secretary of State~~county clerk~~ shall note the fact upon the margin of the record~~where the commission is recorded~~, and thereupon the power of the person to act as a TVA or commission peace officer shall cease~~as to any particular county in which such notice is filed and recorded~~.

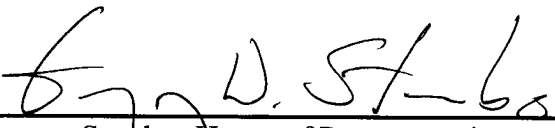
➔Section 4. KRS 61.889 is amended to read as follows:

Each TVA or commission peace officer appointed pursuant to KRS 61.886 to 61.892 shall, before he or she enters upon the discharge of the duties of his or her office, execute bond in the sum of fifty thousand dollars (\$50,000), with good security, conditioned upon the faithful performance of his or her duty as such officer, and take and subscribe an oath

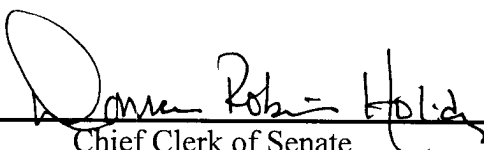
1 of office and the oath required by Section 228 of the Constitution of Kentucky. ~~[The bond~~
2 ~~shall be executed before the county judges/executive of the several counties in which he~~
3 ~~performs any duties as a TVA peace officer, and the bond shall be approved, and the oath~~
4 ~~administered, by the county judge/executive.]~~ The bond and oath shall be entered of
5 record by the Secretary of State ~~[county clerks of the several counties in which executed],~~
6 and the execution of the bond and the taking of the oath shall be endorsed upon the
7 commission of the person so qualifying. In lieu of such individual bonds, a duly executed
8 bond covering all TVA or commission peace officers appointed and commissioned
9 pursuant to this section, as principals, with TVA as surety, in the amount of fifty thousand
10 dollars (\$50,000) for each such officer and conditioned for the faithful performance of his
11 or her ~~[their]~~ duties may be filed by TVA or the commission with the Secretary of State
12 of the Commonwealth in which event individual bonds shall not be required. ~~[Certified~~
13 ~~copies of such bonds shall be recorded with the county clerks of the several counties~~
14 ~~where such officers record their commissions and take their oaths.]~~



President of Senate



Speaker-House of Representatives

Attest: 

Chief Clerk of Senate

Approved 

Governor

Date 3-16-11